

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Friday, March 9, 2007  
MAG Office  
Phoenix, Arizona

MEMBERS PRESENT

Stephen Cleveland, City of Goodyear, Chairman	Amanda McGennis, Associated General Contractors
#Jess Segovia, Avondale	Spencer Kamps for Connie Wilhelm-Garcia, Homebuilders Association of Central Arizona
*Lucky Roberts, Buckeye	*Stephen J. Andros, American Institute of Architects - Central Arizona
#Jim Weiss, Chandler	*Mannie Carpenter, Valley Forward
#Jamie McCullough, El Mirage	Kai Umeda for Patrick Clay, University of Arizona Cooperative Extension
Lisa Taraborelli for Tami Ryall, Gilbert	#Beverly Chenausky, Arizona Department of Transportation
Doug Kukino, Glendale	Peter Hyde, Arizona Department of Environmental Quality
Scott Bouchie, Mesa	*Wienke Tax, Environmental Protection Agency
Gaye Knight, Phoenix	Jo Crumbaker, Maricopa County Air Quality Department
Larry Person, Scottsdale	#Duane Yantorno, Arizona Department of Weights and Measures
#Antonio DeLaCruz, Surprise	*Ed Stillings, Federal Highway Administration
Oddvar Tveit, Tempe	*Judi Nelson, Arizona State University
*Walter Bouchard, Citizen Representative	#Christella Armijo for B. Bobby Ramirez, Salt River Pima-Maricopa Indian Community
Corey Woods, American Lung Association of Arizona	David Rueckert, Citizen Representative
Barbara Sprungl, Salt River Project	
*Brian O'Donnell, Southwest Gas Corporation	
Mark Hajduk, Arizona Public Service Company	
*Gina Grey, Western States Petroleum Association	
*Randi Alcott, Valley Metro	
*Dave Berry, Arizona Motor Transport Association	
Rick Lavis for Jeannette Fish, Maricopa County Farm Bureau	
Russell Bowers, Arizona Rock Products Association	
*Michelle Rill, Greater Phoenix Chamber of Commerce	

\*Members neither present nor represented by proxy.  
#Participated via telephone conference call.  
+Participated via video conference call.

OTHERS PRESENT

Lindy Bauer, Maricopa Association of Governments	Scott DiBiase, Pinal County Air Quality
Cathy Arthur, Maricopa Association of Governments	Robert St. John, City of Glendale
Taejoo Shin, Maricopa Association of Governments	Johanna Kuspert, Maricopa County Air Quality Department
Dean Giles, Maricopa Association of Governments	Bob Kard, Maricopa County Air Quality Department
Julie Hoffman, Maricopa Association of Governments	Megan Jefferies, Moto-Trax
Patrisia Navarro, Maricopa Association of Governments	Logan Fanjoy, Stable Soil
Diane Arnst, Arizona Department of Environmental Quality	Brandon Shumway, Citizen
David Lillie, Arizona Department of Environmental Quality	Spencer Shumway, Citizen
	#Bob Dulla, Sierra Research

1. Call to Order

A meeting of the MAG Air Quality Technical Advisory Committee was conducted on March 9, 2007. Doug Kukino, City of Glendale, Acting Chair, called the meeting to order at approximately 2:10 p.m. Jamie McCullough, City of El Mirage; Jim Weiss, City of Chandler; Christella Armijo, Salt River Pima-Maricopa Indian Community; Duane Yantorno, Arizona Department of Weights and Measures; Antonio DeLaCruz, City of Surprise; Beverly Chenausky, Arizona Department of Transportation; Jess Segovia, City of Avondale; and Bob Dulla, Sierra Research, attended the meeting via telephone conference call.

2. Call to the Audience

Mr. Kukino stated that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the table adjacent to the doorway inside the meeting room. Citizens are asked not to exceed a three minute time period for their comments. Public comment is provided at the beginning of the meeting for nonagenda items and nonaction agenda items. Mr. Kukino noted that no public comment cards had been received.

3. Suggested List of Measures to Reduce PM-10 Particulate Matter

Lindy Bauer, Maricopa Association of Governments, indicated that Table 5, Air Quality Technical Advisory Committee Initial Recommendations on Preliminary Draft Comprehensive List of Measures to Reduce PM-10 Particulate Matter, has been updated to include the Committee recommendations from the March 6, 2007 meeting, based upon the show of hands for each measure. Table 5 was provided at each place. Gaye Knight, City of Phoenix, stated that she also provided a table at each place that was created by the City of Phoenix based on review with the Arizona General Contractors (AGC). She mentioned that many of the measures are duplicates and are highlighted. Ms. Knight described the suggestions in the table and stated that the revisions are shown in bold. She indicated that the table does not represent an official City of Phoenix position and was just an effort to clarify the measures and provide a starting point for discussion. Ms. Knight suggested that the Committee begin with the measures that are duplicates.

Amanda McGennis, Associated General Contractors, commented that the AGC did not look for duplication when providing the additional measures. She expressed appreciation for all of the suggested measures being listed. Ms. McGennis stated that there are duplicates; however, some still need to be considered. She mentioned that measure 37, pave or stabilize unpaved access points, was tabled from the March 6, 2007 meeting. Cathy Arthur, Maricopa Association of Governments, suggested waiting to discuss measure 37 until measure 55, replace 20 percent opacity limit in Rule 310.01 with “no visible dust across the property line” and proactively enforce for nonpermitted sources, is reviewed.

Larry Person, City of Scottsdale, indicated that he completed an exercise similar to the City of Phoenix and AGC and arrived at similar results. He suggested that the Committee eliminate the duplicate measures which are 48, 53-54, 64-66, and 74. Ms. McGennis asked that time be provided for the Committee to review the duplicates. Mr. Kukino requested that the measures identified as duplicate be read for those participating by telephone.

Ms. McGennis stated that duplication does not mean the measures are exactly the same. She indicated that some of the language will be melded into the measure that is a duplicate. Ms. Knight

stated that it was her understanding that the intent is the same for the measures identified as duplicates and that the addition is not necessary. She indicated that measures with suggestions to move or amend is where language would be melded.

Ms. Knight discussed measure 48, target intensive community outreach and education campaigns on measures to reduce fugitive dust in the areas of highest PM-10 emissions density. She indicated that measure 48 is a duplicate of measure 17, increase number of proactive inspections in areas of highest PM-10 emissions densities, intensify training and education, incentive program for compliance.

Ms. Knight discussed measure 53, require property owners within cities, towns, and counties in Area A to stabilize vacant lots - tighten up the language in Rule 310.01. She stated that measure 53 is a duplicate of measure 38, strengthen and increase enforcement of Rule 310.01 for vacant lots. Spencer Kamps, Homebuilders Association of Central Arizona, commented that measure 38 only addresses Maricopa County whereas measure 53 also addresses cities and towns. Scott Bouchie, City of Mesa, commented that measure 53 requires property owners to stabilize vacant lots. Ms. Knight stated measure 53 is for Area A.

Jo Crumbaker, Maricopa County Air Quality Department, commented that the current rule does not include Area A for vacant lots. Ms. Knight asked if the requirement is for all of Maricopa County. Ms. Crumbaker replied that is correct. She mentioned that help is needed from everyone on this measure. Mr. Kukino commented that measure 38 would apply to all of Maricopa County and measure 53 would apply to Area A. Ms. Knight mentioned the measures for Area A, concerns raised by Pinal County, and the possible expansion of Area A.

Beverly Chenausky, Arizona Department of Transportation, commented that measure 38 does not mention stabilization of vacant lots. Ms. Knight stated that Rule 310.01 requires stabilization. Ms. Chenausky indicated that measure 38 relates to enforcement and mentioned measure 41, vacant lots stabilized by County if owners do not respond, liens put on property if necessary (e.g., Clark County). Mr. Bouchie stated that measure 41 requires stabilization by the County and measure 53 requires it by property owners, which would be the same as enforcing Rule 310.01.

Mr. Person suggested discussing measure 60, expand Area A (ARS 49-541(A)), since it may impact several other measures. Mr. Kukino commented on measures limited to Area A as being more constraining. Ms. Knight mentioned the expanded Area A proposed by the Arizona Department of Environmental Quality (ADEQ).

Peter Hyde, Arizona Department of Environmental Quality, commented on the land masses of Area A and Maricopa County. He indicated that the area west of Wickenburg is not as critical for air quality improvement in metropolitan Phoenix. Mr. Hyde discussed the importance of the portion of Area A that is in Pinal County, which is close to the East Valley of metropolitan Phoenix.

Mr. Kukino recognized public comment from Mēgan Jefferies, Moto-Trax, who mentioned an alternate space of all-terrain vehicles (ATVs). She discussed Moto-Trax and indicated that they are building an off-highway vehicle park in Gila Bend. Ms. Jefferies mentioned the agencies involved and requested that the Committee consider the ramifications related to the expansion of Area A and rules therein that may prohibit ATV use.

David Rueckert, Citizen Representative, commented on taking care of the air quality problem now through proper rules and regulations versus dealing with it later. He mentioned the growth in the

region and discussed including the areas now that are or will contribute to the air quality problems. Mr. Rueckert mentioned ATV use outside the Valley.

Ms. McGennis inquired if ATVs are regulated under Rule 310. Ms. Crumbaker responded that Rule 310 regulates facilities. Ms. McGennis stated that Rule 310 would extend into areas where it has not been used. She discussed the rules in Pima County and advocated a vote of no on expanding Area A. Ms. Crumbaker stated that most of the fugitive dust rules extend throughout Maricopa County.

Rick Lavis, Maricopa County Farm Bureau, inquired about the process of reviewing the additional measures. Stephen Cleveland, City of Goodyear, Chair, commented on addressing the duplications and measure 60. Ms. Jefferies stated that she is against measure 60 and that facilities such as Moto-Trax provide an opportunity for an alternative when riders are restricted. She mentioned that there are ways to mitigate air quality issues at the facility.

Ms. Knight commented on measure 60 and making sure the Committee knows the details of the expansion. She stated that Area A may be a key issue in measure 53. Ms. Knight indicated that adding Area A to measure 38 would result in Rule 310.01 being enforced in part of Pinal County and Maricopa County does not have that authority. Mr. Person stated that measures 64-66 also reference Area A. He suggested resolving the Area A issue before discussing the other measures.

Russell Bowers, Arizona Rock Products Association, commented that all of the measures that affect Area A would be extended to the boundary shown in the ADEQ Area A expansion map if measure 60 is recommended. He discussed the boundary and stated that Area A would join with the expanded boundary of Area B. Mr. Bowers indicated this would put regulation on most of the measures being described, and that are duplicated in legislation or ordinances, to the Pima County line.

Mr. Hyde indicated that the map provided illustrates the present Area A. Mr. Cleveland commented on the measures that address Area A and how they would be impacted if Area A is expanded. He asked if the measures are relevant to the existing Area A boundary. Mr. Hyde responded that is correct; however, measures designated as Area A would cover the expanded area if the legislature chooses to redefine the boundary.

Ms. Knight mentioned the size of the Area A expansion included in measure 60. She inquired about the benefit. Mr. Hyde stated that the legislature may change the Area A boundary proposed by ADEQ. He indicated that the Area A expansion is being looked at as an ozone control measure. Mr. Hyde stated that the Valley has barely attained the eight-hour ozone standard for the past two years. He mentioned that the Environmental Protection Agency (EPA) will be promulgating a more stringent ozone standard this summer. Mr. Hyde commented on the ozone beneficial measures that would expand with a new Area A boundary. He discussed the measures and indicated that the expansion of Area A was not viewed as a PM-10 measure. Mr. Hyde indicated that ADEQ intended to use the forum to incorporate necessary ozone control measures.

Mr. Person asked if Rules 310 and 310.01 apply to the PM-10 nonattainment area with the exception of the portion that is outside Maricopa County. Ms. Crumbaker replied that Rule 310 applies to all of Maricopa County. She stated that Rule 310.01 also applies to all of the County except for public unpaved roads which are controlled in the PM-10 nonattainment area. Mr. Cleveland discussed the expansion of Area A.

Mr. Hyde discussed the growth in Pinal County and its eventual merger with metropolitan Phoenix. He stated that expanding Area A would result in increasing the vehicle emissions testing into those areas as well as the fuel measures. Mr. Hyde mentioned that the vehicle fleet would be cleaner and this will be necessary to continue to meet the ozone standard.

Scott DiBiase, Pinal County Air Quality, clarified that EPA will propose a new ozone standard in June with promulgation in 2008. He indicated that Pinal County does not agree with any discussion as it relates to Area A since they have no representation that can vote on the measures.

Mr. Kamps inquired about how expanding Area A would impact the Five Percent Plan for PM-10. Ms. Bauer commented that the expansion of Area A is being proposed by ADEQ for ozone purposes. Mr. Hyde stated that there would be PM-10 benefits and mentioned measure 53. He stated that the measures and evaluations have not included the emissions benefit for the expanded area. Mr. Hyde commented on the emissions inventory. Ms. Bauer stated that the emissions inventory is for the PM-10 nonattainment area.

Mr. Rueckert mentioned having experience with PM-10 modeling. He discussed growth and the weather patterns. Mr. Rueckert indicated that we affect each other. He stated that expanding Area A is reasonable based upon how pollutants disperse throughout the area.

Mr. Cleveland suggested an informal vote on measure 60. Mr. Bowers commented that the measure will result in an increase in VEI testing. He indicated that the failure rates in VEI testing are minuscule. Mr. Bowers stated that there are other ways to get at those who are not subject to VEI testing that are traveling in the PM-10 nonattainment area. He asked if the expanded Area A boundary described in measure 60 is consistent with S.B. 1552. Mr. Cleveland stated that S.B. 1552 should be adjusted to the boundary identified in measure 60, if recommended. Mr. Bowers inquired about what is trying to be accomplished with measure 60. He questioned the volume of ozone benefits and indicated that those affected by the measure are not represented.

Mr. Hyde discussed evaluations that demonstrated that the inspection and maintenance program has reduced carbon monoxide and hydrocarbons by 25 percent and nitrogen oxides by 10 percent. He mentioned maintaining compliance with the ozone standard. Mr. Hyde noted that it is not a PM-10 measure. He mentioned reducing hydrocarbons and nitrogen oxides from the vehicle fleet that moves between Maricopa and Pinal Counties. Mr. Hyde discussed past expansions of Area A. Mr. Cleveland stated that ozone is not on the agenda and that ozone measures should not be voted on at this time.

Ms. Knight stated that she is uncomfortable voting on an ozone measure when ozone is not on the agenda. Mr. Kamps stated that this is an ozone issue. Mark Hajduk, Arizona Public Service Company, asked if the issue will be discussed at a future meeting where ozone is on the agenda. Ms. Bauer responded that it can be put on a future agenda and discussed as an ozone measure.

Ms. McGennis stated that the additional measures suggested by the AGC inadvertently refer to Area A. She indicated that the measures should relate to the PM-10 nonattainment area and not Area A.

Mr. Bouchie commented that the previous measures recommended have not specified an area and are assumed to apply to Maricopa County. He suggested continuing to do the same. Ms. Knight referred to measure 53 and commented on it applying only to the PM-10 nonattainment area. She stated that would weaken Rule 310 which applies to Maricopa County. Mr. Kamps commented on

Rule 310 applying to the entire County. Ms. Crumbaker replied that is correct. Ms. McGennis suggested removing reference to a specified area in the measures.

Barbara Sprungl, Salt River Project, suggested addressing measure 60 and returning to the duplicate measures noting the comments from Ms. McGennis about removing the specified areas. Mr. Bowers commented on the existing rules applying to all of Maricopa County. Ms. Knight suggested no informal vote on measure 60.

Ms. Knight stated that measure 48 is a duplicate of measure 17 and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 48. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 53 is a duplicate of measure 38 and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 53. By a show of hands, the measure was removed with one member voting no.

Mr. Person indicated that measure 54, opportunities for notification and rapid compliance for violations of Rule 310, is a duplicate of measure 18, notify violators more rapidly to promote immediate compliance, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 54. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 64, require cities, towns, and the counties in Area A to sweep paved roads, is a duplicate of measure 29, sweep streets with PM-10 certified street sweepers, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 64. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 65, require cities, towns, and the counties in Area A to stabilize unpaved roads and shoulders, is a duplicate of measures 33, pave or stabilize existing public dirt roads and alleys, and 36, pave or stabilize unpaved shoulders, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 65. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 66, require cities, towns, and the counties in Area A to adopt an ordinance that requires property owners to stabilize unpaved parking lots, is a duplicate of measure 32, pave or stabilize existing unpaved parking lots (e.g., upgrade to Phoenix Parking Code) - strengthen enforcement, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 66. By a show of hands, the measure was removed by a unanimous vote.

Mr. Person indicated that measure 74, no burn restriction applied to outdoor hospitality fires and chimineas on PM-10 High Pollution Advisory days, ARS 49-501 (F), is a duplicate of measure 46, restrict use of outdoor fireplaces and pits and ambience fireplaces in the hospitality industry, and should be removed from the list. Mr. Cleveland requested an informal vote to remove measure 74. By a show of hands, the measure was removed by a unanimous vote.

Ms. Knight suggested revising measure 47 and take the concept and amend measure 17. The measure would be to provide timely notification to permitted and nonpermitted sources to sources in the high emission areas when a High Pollution Advisory or High Pollution Watch is issued by ADEQ. Mr. Kamps asked if the measure would apply to the County. Ms. Knight stated that she added sources in the high emission areas since ADEQ already has a program to provided notification to permitted and nonpermitted sources. The focus is on the high emission areas. Mr. Kamps

requested that the measure apply throughout Maricopa County. Ms. Knight commented that the Committee has already informally voted on measure 17. She suggested that the Committee vote on measure 47 as it was originally proposed. Mr. Cleveland requested an informal vote on measure 47, provide timely notification to permitted and nonpermitted sources when a High Pollution Advisory or High Pollution Watch is issued by ADEQ. He indicated that no changes are being made to measure 17. By a show of hands, the measure passed with one member voting no.

Mr. Cleveland asked if there are any questions or comments on measure 49, develop a PM-10 program for subcontractors (requested by the Maricopa County Board of Supervisors on April 7, 2004), have subcontractors acquire a dust control permit, give notice of violation (NOVs) to subcontractors. Ms. McGennis suggested adding language from measure 52 to measure 49 indicating no duplicate notices of violation at the permitted site be incorporated with the PM-10 program for subcontractors.

Ms. Crumbaker commented that the Maricopa County Board of Supervisors directed the County Air Quality Department to work with stakeholders to develop a program for subcontractors. She discussed the process that concluded an enhancement in education and outreach is necessary. Ms. Crumbaker stated that the extent of the contractor education and on-site monitoring are the significant differences between the Maricopa County and Clark County programs. She mentioned that they looked at what would happen if only subcontractors were cited. Ms. Crumbaker indicated that in the three month period for 2,800 - 3,100 inspections, only 12 instances occurred where the only violation on the site was caused by a subcontractor. She stated that the recommendation to the Board at that time was that a permit program was not appropriate for subcontractors. Ms. Crumbaker indicated that on-site monitoring is necessary. She mentioned that when both parties are cited, the fine does not change. The parties need to determine how the fine would be split. Ms. Crumbaker stated that the current policy is to fine the subcontractor when the circumstances are appropriate. She urged the Committee to vote no on measure 52.

Mr. Kamps commented on enforcement being a key component of compliance. He indicated that the current approach is to enforce against the permit holder. Mr. Kamps discussed the number of subcontractors that are unaware of Rule 310. He stated that the only repercussion they have against subcontractors that violate Rule 310 is to fire them. Mr. Kamps indicated that the measure is important to educate those who are unaware of the rules with which they need to comply.

Mr. Bouchie asked if the subcontractor would have to obtain a permit for each site. Mr. Kamps replied that the intent is to be able to cite subcontractors. He indicated that the permit holder would still be responsible for management of the site such as trackout devices and water. Mr. Bouchie commented on the description of measure 49 referring to subcontractors acquiring a dust control permit. Ms. McGennis stated that would be similar to a registration number. Mr. Bouchie asked if it would be handled similar to a block permit. Mr. Kamps replied that would be the goal.

Ms. Crumbaker stated that having subcontractors complete dust control training was included in a previous measure. Mr. Cleveland commented on changing the language of the measure to indicate having subcontractors acquire a dust control number as oppose to a permit to eliminate confusion. Ms. McGennis mentioned changing the language in the measure to indicate that subcontractors acquire a registration number to coincide with the training recommended in measure two, extensive dust control training program (e.g., Clark County).

Mr. Person stated that he opposes the idea of shifting management responsibility to subcontractors in this area and retaining it in other areas. He discussed requiring Maricopa County to enforce against subcontractors when there are already resource issues. Mr. Person also mentioned current litigation. He indicated that measure 49 is a duplication of measure two.

Mr. Kamps stated that in relation to the resource issues, the inspectors are already on-site and someone will get the NOV if there is a violation. He mentioned that there are thousands of subcontractors that currently do not receive any enforcement. Mr. Kamps indicated that it makes no sense not to have the enforcement process include subcontractors.

Ms. Knight asked if Maricopa County currently issues NOVs to subcontractors. Ms. Crumbaker replied that it is allowed under Rule 310 and subcontractors are issued an NOV at the time they are clearly at fault and sufficient information is available for identification.

Mr. Bowers commented that the point is education and not enforcement. Mr. Bouchie stated that education is covered in measure two. He indicated that someone who has completed those classes could then be hired by the homebuilders. Mr. Cleveland asked if measure two is expansive enough to recognize that subcontractors are required to go through a dust control training program. Mr. Hyde replied no. Mr. Bowers commented on language to issue certification to subcontractors.

Ms. Knight stated that measure 49 refers to a permit and the discussion is about a certification number. She suggested not merging measures 49 and 52. Ms. Sprungl mentioned previous discussion about changing the language of measure 49 from having subcontractors acquire a dust control permit to having subcontractors acquire a registration number. Ms. McGennis suggested amending measure 49 to develop a program to register, educate, and the opportunity to give NOVs to subcontractors through Rule 310. Ms. Knight inquired about the difference between measures two and 49.

Mr. Cleveland asked if the subcontractors will be required to go through the training. Mr. Kamps responded yes. Ms. McGennis stated that the amended measure would be to develop a program to register, educate, and give NOVs to subcontractors through Rule 310. Ms. Knight asked if the measure would require NOVs be given to subcontractors. Ms. McGennis replied that is correct. Mr. Hyde inquired about having subcontractors acquire a dust control permit, which was included in the original measure. Mr. Cleveland stated that the dust control permit has been changed to be a registration to demonstrate completion of the program. Mr. Cleveland requested an informal vote on substitute measure 49, develop a program to register, educate, and give NOVs to subcontractors through Rule 310. By a show of hands, the measure passed with seven members voting no.

Ms. Crumbaker commented that the substitute measure 49 will relax the program from EPA's perspective. Ms. McGennis stated that it is strengthening the program since there is a new group of people to cite. Ms. Crumbaker indicated that the program is based on prevention which is not part of the measure. Mr. Bowers commented that the measure does not preclude the issuance of NOVs to the permit holder. Mr. Cleveland requested that language be included in the description of the measure.

Mr. Cleveland asked if there are any comments or questions on measure 50, allow the permit holder to accompany the control officer during an inspection and allow the permit holder 30 minutes to arrive on-site. Ms. Knight suggested the Committee vote no on the measure. She indicated that the measure micromanages the Maricopa County Program and does not provide an air quality benefit.



Ms. Sprungl stated that corrective action could occur sooner and additional education can take place. Ms. Crumbaker commented that there should be an on-site representative at all times when work is taking place so a delay is not necessary. Mr. Cleveland commented on measure four, dust managers required at construction sites of 50 acres and greater (e.g., Clark County). He asked if the 30 minutes would be relevant. Mr. Kamps replied that it would not be relevant on sites 50 acres and greater.

Ms. Knight commented on little air quality benefit for measure 50. She mentioned the resource issues with Maricopa County and the time necessary to implement the measure. Mr. Kamps stated that subcontractors need to be trained. He indicated that Maricopa County sets the schedule. Mr. Kamps stated this is a requirement in Rule 316. Ms. Crumbaker indicated that the party needs to be present within 30 minutes, but the inspection of the facility does not wait 30 minutes to commence. Mr. Kamps mentioned that the County is not required to come on-site to inspect. He stated that it is more effective to have the inspectors on-site to say what is being done right or wrong so corrective action can occur immediately. Mr. Kamps indicated that the measure is an attempt to get the conversation to happen. He discussed the time it currently takes to receive an NOV.

Bob Kard, Maricopa County Air Quality Department, commented that there are over 5,000 earthmoving permits. He stated that the County does its best to make contact with those listed in the dust control plan and are being asked to wait too long. Mr. Kard mentioned the time issue with waiting 30 minutes for each permit. He stated that the County does its best to get NOVs out right away. Mr. Kard commented on industry trying to micromanage the Maricopa County Program. He indicated that this is a deviation from the process of developing the Five Percent Plan for PM-10. Mr. Kard suggested the Committee get back to quantifiable dust control measures. He commented on not implementing measures that are recommended. Mr. Kard mentioned measures mandated by legislation. He discussed the current training program and stated that more is needed. Mr. Kard indicated that he does not want the program micromanaged.

Mr. Cleveland asked if permit holders are allowed to accompany the control officer during an inspection. Mr. Kard replied that according to Statute, the permit holder is given the opportunity to accompany the officer. He stated that a dust manager on site is a good idea and 50 acres or greater may be too large. Mr. Kard indicated that the information is not getting to those on-site from top level management. Mr. Cleveland mentioned training subcontractors. Mr. Kard responded that the County already has the ability to cite subcontractors. He stated that education is provided to everyone and the hope is to start more classes.

Mr. Cleveland mentioned measure 51, allow the permit holder an opportunity to correct within 24 hours, and asked about the current standard. Mr. Kard replied that there is an opportunity to correct immediately. He indicated that he is against giving sites 24 hours of “free time” and stated that EPA may consider it as being in nonenforcement mode.

Ms. McGennis stated that Clark County allows 24 hour notice of opportunity to correct. She indicated that the measure was suggested because the County is citing off-site and not giving the opportunity to correct. Ms. McGennis mentioned that a site could be emitting for days before the NOV is received through the mail. Mr. Kard stated that NOVs are mailed when there is nobody on-site. He indicated that phone calls are also made. Mr. Kard mentioned that this is a County management issue and the conversation should be about what can be done to reduce dust emissions.

Mr. Cleveland suggested voting on measure 50 and allow the implementing agencies to determine whether the measure could indeed be implemented. Mr. Kamps asked that the measure include the

provision that there is a 30 minute notification, but it does not prohibit Maricopa County from entering the site, as stated in Rule 316. Mr. Bowers commented on Mr. Kard not implementing measures that may be recommended. Mr. Cleveland indicated that the statement was intended in the form of disagreement and not the action of the County. Mr. Kard stated that is correct. Mr. Cleveland requested an informal vote on measure 50 with the provision that the inspection can commence without waiting for the permit holder to arrive. By a show of hands, the measure failed with five members voting yes and two members abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 51, allow the permit holder an opportunity to correct within 24 hours. Ms. McGennis commented that the measure does not preclude the County from issuing NOVs. Mr. Cleveland requested an informal vote on measure 51. By a show of hands, the measure failed with six members voting yes and one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 52, no duplicate fines by the Maricopa County Air Quality Department at the permitted site - measures 49-51 above are contingent upon this measure. Mr. Cleveland requested an informal vote on measure 52. By a show of hands, the measure failed with six members voting yes.

Mr. Cleveland asked if there are any questions or comments on measure 55, replace 20 percent opacity limit in Rule 310.01 with “no visible dust across the property line” and proactively enforce for nonpermitted sources - reduces PM-10 emissions from dragout, unpaved roads, unpaved access points, unpaved parking areas and poorly maintained paved roads. Ms. Knight proposed a substitute measure 55. She mentioned enforcing dragout. Ms. Knight stated that for nonpermitted sources to address dragout, replace the 20 percent opacity limit in Rule 310.01 with “no visible dust across the property line”. She indicated that measure 56, add dragout provisions to Rule 310 and 310.01 and enforce dragout and trackout provisions for nonpermitted sources, would address permitted sources and adds “no visible dust across the property line” to Rule 310.

Ms. Crumbaker stated that she would add “no visible dust across the property line” to measure 55 without replacing the 20 percent opacity limit. She indicated that the measure would require help from everyone. Mr. Kamps inquired about the test. Ms. Crumbaker replied that there can be two standards and referred to Rule 316 and California. She stated that one standard would be applied at the property line and the other at the point of activity.

Ms. Sprungl stated that enforcing no visible dust across the property line may be infeasible. Mr. Hyde stated that measures 55 and 56 are good provisions. He indicated that this measure would give the inspectors a tool where the 20 percent opacity limit is too difficult to apply. Ms. Crumbaker stated that it is already in Rule 316, Pima County, and California. She indicated that it is not a new concept. Mr. Cleveland asked that since it is in Rule 316, it should be added to Rules 310 and 310.01. Ms. Crumbaker replied that is correct.

Ms. Knight stated that she is in favor of actively enforcing Rule 310.01. She commented on Maricopa County not having the resources and requesting help from the cities and towns and yet the suggestion would make it more stringent. Mr. Knight stated that it is a duplicate of measure 38, strengthen and increase enforcement of Rule 310.01 for vacant lots. Bob Dulla, Sierra Research, stated that the measure is the result of the dragout activity observed in the Salt River Area during the MAG PM-10 Source Attribution and Deposition Study. He stated that the draft 2005 inventory does not capture the behavior. Mr. Dulla stated that the intent is to identify a control measure to minimize the activity which appears to be frequent and has a large impact during inversions.

Mr. Kamps commented on the measure focusing on dragout and unpaved access points. He mentioned the resource issues at the County. Ms. Sprungl indicated that she agrees with controlling dragout, but has an issue with no visible dust across the property line. Mr. Person commented that dragout is not included in Rules 310 and 310.01. He indicated that he agrees with concerns about dragout, but the measure overextends what is necessary.

Ms. Knight mentioned dragout from unpaved parking lots. She indicated that unpaved parking lots are regulated under Rule 310.01. She mentioned adding no visible dust to measure 38. Corey Woods, American Lung Association of Arizona, commented on the intent being to cite in obvious situations when addressing the “no visible dust across the property line” part of the measure. Mr. Cleveland requested an informal vote on the substitute measure 55, add “no visible dust across the property line” to Rule 310.01 and proactively enforce for nonpermitted sources - reduces PM-10 emissions from dragout, unpaved roads, unpaved access points, unpaved parking areas and poorly maintained paved roads. By a show of hands, the measure failed with three members voting yes and seven members abstaining.

Mr. Cleveland asked if there are any comments or questions on measure 56, add dragout provisions to Rule 310 and Rule 310.01 and enforce dragout and trackout provisions for nonpermitted sources. He stated that the City of Phoenix, based on review with AGC, suggested a substitute measure to add “no visible dust across the property line” to Rule 310. The revised measure would address permitted sources only. Ms. Arthur suggested the Committee vote on measure 56 as originally written since measure 55 failed. Mr. Kamps inquired about nonpermitted sources and Rule 310 in the measure. Ms. Arthur replied that there are nonpermitted sources that are governed by the trackout provisions of Rule 310. Mr. Kamps commented that dragout is an issue in the Salt River Area, but not on construction sites. Ms. Knight mentioned dragout from construction sites. Mr. Cleveland requested an informal vote on measure 56 as originally worded, add dragout provisions to Rule 310 and Rule 310.01 and enforce dragout and trackout provisions for nonpermitted sources. By a show of hands, the measure passed with two members voting no and two members abstaining.

Mr. Cleveland asked if there are any comments or questions on measure 57, provide law enforcement certification for inspectors assigned to enforce fugitive dust controls for nonpermitted sources. The City of Phoenix, based on review with AGC, suggested a revision to the measure to provide law enforcement certification for County inspectors assigned to enforce fugitive dust controls for nonpermitted sources. Mr. Kamps stated that inspectors should be trained on Rule 310 and other issues, not how to be a law enforcement officer. Ms. Knight asked if the measure is needed. Mr. Kard replied no. Mr. Cleveland requested an informal vote on measure 57. By a show of hands, the measure failed unanimously.

Mr. Cleveland asked if there are any comments or questions on measure 58, covered loads/haul trucks to authorize in Apache Junction portion of Area A (ARS 9-500.27). He mentioned previous discussions about Area A. Diane Arnst, Arizona Department of Environmental Quality, commented that Apache Junction is in the PM-10 nonattainment area. Mr. Cleveland commented about changing the language of the measure. Mr. Bouchie indicated that his earlier comment was to remove Area A from all of the additional measures. Mr. Cleveland commented that the City of Apache Junction is a member of MAG. Mr. DiBiase mentioned not voting on measures related to Area A. He discussed the City of Apache Junction and stated that part of it is in the PM-10 nonattainment area. Mr. Cleveland commented on the Committee voting on the measure and providing it to the City to determine if they will implement it. Mr. Cleveland requested an informal

vote on substitute measure 58, cover loads/haul trucks in Apache Junction. By a show of hands, the measure passed with one member voting no and three members abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 59, dust control manager required at construction and soil and rock excavation sites of five or more acres in Area A (current threshold for earthmoving permits), ARS 49-459. The City of Phoenix, based on review with AGC, suggested a revision to the measure to require an on-site dust control manager to be present on sites 5 to 50 acres in Area A during active soil and rock excavation, soil and rock removal, and construction operations, including road construction operations, and related transport activities at access points to paved or unpaved roads. This person could also perform other tasks, but this person would be responsible for managing dust prevention and control on the site. Ms. Knight stated that this measure would address dust at smaller sites. She mentioned that measure four, dust managers required at construction sites of 50 acres and greater (e.g., Clark County) already passed.

Mr. Hyde discussed the tonnage reduction from measures four and 59. Mr. Lavis commented on Area A. Mr. Cleveland stated that the measure would not reference Area A. Mr. Person stated that in previous discussion, calling the person a dust control manager implied that there needed to be a separate, full-time individual on-site. He commented on someone on-site being required to complete the dust control training, but not be called a manager. Mr. Cleveland indicated that the measure states that the person can perform other tasks. Ms. Knight stated that the City of Phoenix has amended the boilerplate for contracts to indicate that someone needs to be designated as the dust control person. The person has to have at least one hour of dust control training on construction sites larger than five acres.

Mr. Person commented on changing the language from dust control manager. Ms. Knight stated that she is comfortable revising the language. Mr. Person discussed the activities specified in the substitute measures. Mr. Dulla commented that it is important to make someone on-site responsible for controlling the dust. Ms. Crumbaker mentioned the various names used for such an individual. Ms. Arthur suggested a dust control coordinator.

Mr. Kamps asked if the requirements would be the same for sites 50 acres and greater and 5 to 50 acres. Ms. Knight stated that the intent is to address the times when earthmoving activities are occurring. Mr. Cleveland indicated that the difference is that sites 50 acres and greater would have a specified individual, whereas sites 5 to 50 acres would have a dust control coordinator.

Ms. McGennis commented on revising Rule 310 and stated that the measure should say permitted and nonpermitted sources. Ms. Knight indicated that the activities listed in the measure are permitted. Mr. Cleveland requested an informal vote on a substitute measure 59, require dust coordinators at earthmoving sites of 5 to 50 acres during active soil and rock excavation, soil and rock removal, and construction operations, including road construction operations, and related transport activities at access points to paved or unpaved roads. This person could also perform other tasks, but this person would be responsible for managing dust prevention and control on the site. By a show of hands, the measure passed with five members voting no and one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 62, require cities, towns, and the counties in Area A to require leaf blowers rented from facilities to provide an educational piece on reducing particulate matter. The AGC suggested a revision to the outreach program could include printed educational materials on reducing dust from leaf blowers. The materials would be distributed to rental facilities and must be provided with leaf blower rentals. Ms. Arthur stated that

the City of Phoenix is suggesting the measure be merged with measure one, public education and outreach. Ms. McGennis commented on there being an individual flier. Mr. Cleveland mentioned providing the materials with leaf blower purchases. Ms. McGennis agreed to add leaf blower purchases to the measure. Mr. Cleveland requested an informal vote on substitute measure 62, implement a leaf blower outreach program. This measure would involve the development and distribution of educational materials on reducing leaf blower dust and would require that the private sector provide the printed materials to customers who purchase or rent leaf blowers. By a show of hands, the measure passed with four members voting no.

Mr. Cleveland asked if there are any questions or comments on measure 67, create particulate mitigation fund with air quality fines used to pave and stabilize land surfaces in and around high pollution areas in Area A. Mr. Bowers stated that he would like to see a fund created that would not impact necessary functions of the County. Ms. Arthur mentioned measure 75, create a dedicated funding source for County Air Program to support increased enforcement of Rule 310.01, and other air programs as necessary. Ms. Knight discussed measures 67 through 69. Mr. Cleveland suggested voting on measure 67 as written with the exception of the Area A language. Mr. Kamps stated that the goal is to send a message to get State funding. Ms. Knight mentioned the resource issues of the County. Mr. Cleveland suggested voting on the measures separately.

Mr. Crumbaker stated that there is an issue with the wording related to the use of fines. She indicated that a portion of fines would not be available for use. Ms. Crumbaker stated that the County does have the ability to process supplemental environmental penalties which can be done with a list of projects that can be provided at the time of negotiations and settlement. She mentioned that it would go directly to that purpose. Ms. Crumbaker stated that out of the fines collected last year, approximately 55 percent were from construction. She indicated that the Maricopa County Board of Supervisors have also dedicated some of the fine monies to projects such as the mobile monitoring van and Bring Back Blue Program.

Mr. Cleveland stated that how the measure is done becomes an issue in the implementation process. He indicated that the measure would be revised to strike air quality fines. Mr. Cleveland requested an informal vote on substitute measure 67, create a particulate mitigation fund to pave and stabilize land surfaces in and around high pollution areas. By a show of hands, the measure passed with two members abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 68, establish a grant program for private businesses to stabilize and pave around monitors. Mr. Bouchie commented on controlling at the monitors. Mr. Kamps expressed the importance of including the private sector. Mr. Cleveland commented on the different approaches between measures 67 and 68. Mr. Hyde expressed concern with the measure addressing the area around the monitors. Mr. Cleveland stated that the language would be changed to high pollution areas.

Ms. Crumbaker stated that there are opportunities in the SEP Process if the party is amenable to doing projects that are on private property. Ms. Knight commented on merging measures 67 and 68. Mr. Cleveland stated that measure 68, establish a grant program for private businesses to stabilize and pave, would be included in measure 67. Mr. Lavis mentioned the tax code. Mr. Kamps discussed a bill at the legislature. Mr. Cleveland stated that measure 69, direct fine monies from Maricopa County for stabilization efforts, would also be included in measure 67.

Mr. Cleveland asked if there are any questions or comments on measure 71, give cities, towns, and counties in Area A the authority to stabilize vacant lots when an owner fails to do so. Ms. Knight stated that measure 71 appears to be a duplicate of measure 41, vacant lots stabilized by County if owners do not respond, liens put on property if necessary (e.g., Clark County), and suggested rejecting the measure. Mr. Cleveland requested an informal vote on measure 71. By a show of hands, the measure failed with one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 72, give cities, towns and the counties in Area A the authority to recoup expenses from a property owner and allow cities, towns and counties in Area A lien authority on property where the city, town or county has stabilized. Hearing no comments, he requested an informal vote on measure 72. By a show of hands, the measure failed with three members voting yes and one member abstaining.

Mr. Cleveland asked if there are any questions or comments on measure 73, no burn restriction on PM-10 High Pollution Advisory days (right now, it's CO only), ARS 11-871. Ms. Crumbaker commented that there are other authorities in Title 11 for CO and PM-10; therefore, the ban applies to both. She indicated that the authority was not used for that ordinance. Ms. Crumbaker stated that this measure is already covered. Mr. Hyde withdrew measure 73, suggested by ADEQ, since it is already covered.

Mr. Cleveland asked if there are any questions or comments on measure 75, create a dedicated funding source for County Air Program to support increased enforcement of Rule 310.01, and other air programs as necessary. An example would be restore In-Lieu funding or some other fee to emissions testings, or other approach. Ms. Knight suggested asking the legislature to consider giving the County more money to support the current programs. Mr. Cleveland requested an informal vote on measure 75. By a show of hands, the measure passed with one member voting no.

Mr. Cleveland indicated that ADEQ is recommending a revision to measure 10, conduct just-in-time grading (i.e., once a parcel of land is cleared, stabilization or work on the parcel would be required within a certain number of days. The revised measure would include: (1) require persons engaged in construction activities to use short-term measures to control dust on disturbed areas 24 hours a day, 7 days a week, until the construction site becomes inactive for 30 days or longer, with exceptions for emergency utility and governmental maintenance activities; (2) require "just-in-time" grading so that one phase is graded and stabilized before the next grading section is disturbed; and (3) require long-term stabilization to be implemented within 10 days after cessation of active operation for 30 days or longer. A list of short-term and long-term control measures from Clark County Nevada Section 94 would be provided. He stated that the Committee did not recommend measure 10, based on an informal vote. Ms. Arthur indicated that Ms. Chenausky has also requested that the Committee revisit measure 28. Mr. Person stated that he is opposed to revisiting measures that were voted down in previous meetings.

Ms. Knight discussed the important points raised by ADEQ in the revision to measure 10. Mr. Hyde stated that the just-in-time grading has long-term benefits, especially with regard to windblown dust. He requested that the Committee vote on revised measure 10. Mr. Person stated that he would prefer that there be no informal vote on revised measure 10 since measure 10 has already failed. Mr. Cleveland asked for an informal vote to not reopen or revise any measures if they have been voted down previously, which passed with one member voting no, based on a show of hands.

Mr. Cleveland asked if there are any questions or comments on measure 70, in areas of high PM-10 emissions density, require paving of unpaved roads (including haul roads), unpaved access points, and unpaved parking and vehicle maneuvering areas. Ms. Knight stated that the measure does not provide any air quality benefit beyond what is already on the table. Mr. Dulla indicated that the measure was suggested before informal voting occurred on the other measures. He mentioned the recommended measures that cover the different areas identified in measure 70. Mr. Dulla stated that the intent of measure 70 would be covered if the recommended measures are implemented.

Mr. Kamps inquired about unpaved access points. Mr. Dulla mentioned measure 36 pave or stabilize unpaved shoulders. He stated that the Committee still needs to vote on measure 37, pave or stabilize unpaved access points. Mr. Hyde indicated that measure 70 includes haul roads and Maricopa County does not require paving on haul roads. He discussed emissions from unpaved haul roads. Mr. Cleveland asked if unpaved haul roads are included. Mr. Dulla responded that the controls selected do not focus on haul roads. Ms. Crumbaker stated that the revisions to Rule 316 include requirements for paving and a cohesive hard surface. She stated that the roads that remain do have stabilization requirements. Mr. Bowers stated that some haul roads are relatively permanent and have to be stabilized or paved. Ms. Crumbaker stated that the elements of measure 70 are covered in other measures. Mr. Cleveland requested an informal vote to remove measure 70. By a show of hands, the measure was removed by a unanimous vote.

Mr. Cleveland asked if there are any comments or questions on measure 37, pave or stabilize unpaved access points. He indicated that the measure was tabled at the March 6, 2007 meeting to have the MAG consultant review the measure description. Mr. Dulla indicated that the analysis looked at paving and stabilizing access points from an industrial permitted facility. He stated that the measure was not looked at from the perspective of vacant lots. Mr. Dulla mentioned that measure 19, fully implement Rule 316, and stated that any of the controls for this measure that address industrial sources have already been included in previous recommendations. He indicated that measures 38-40 address vacant lots. Mr. Dulla added that there have been a number of measures to strengthen Rule 310. He stated that the category of dragout was left, and voted on in measure 56. Mr. Dulla indicated that access points are covered by the previous measures.

Ms. Knight suggested removing measure 37. Ms. McGennis mentioned nonpermitted sources. Mr. Dulla stated that nonpermitted sources are included in Rule 310.01. Ms. Knight indicated that there was previous discussion on the measure about not addressing nonpermitted sources. Mr. Dulla mentioned the disconnect of some thinking the measure focused on vacant lots. The analysis was on a permitted facility, which has already been addressed.

Mr. Kamps referred to measure 56. He mentioned businesses with unpaved parking lots, dragout, and visible emissions. Mr. Kamps stated that there are no measures that address these issues. Ms. Crumbaker mentioned measures 56 and 58 which include Rule 310.01 and those source categories. She stated that cities are also proceeding on these sources under their authorities. Mr. Kamps asked if Rule 310.01 is just vacant lots. Ms. Crumbaker discussed the other source categories covered by Rule 310.01, including unpaved roads and unpaved parking lots.

Ms. McGennis asked if a salvage yard that does not have a paved surface to the road is covered under Rule 310.01. Ms. Arthur stated that measure 37 is covered by measure 56. Mr. Bouchie commented on making sure a nonpermitted source is covered that has silt on the road and is creating a lot of

dragout. Ms. Crumbaker stated that the plan is to add trackout provisions to Rule 310.01. She added that it is an area the County is requesting cities and towns to assist with due to the volume.

Mr. Cleveland asked if measure 56 covers the questions on measure 37. Ms. McGennis stated that measure 56 refers to Rule 310. Ms. Crumbaker indicated that measure 56 mentions Rules 310 and 310.01. Ms. McGennis commented on the sources in Rule 310.01. Ms. Knight mentioned the sources covered in Rule 310.01. Ms. Crumbaker stated that Rule 310.01 would apply to a salvage yard when the trackout provisions are added to the rule, which is measure 56. Mr. Bouchie commented that with measure 56, when there is a trackout and dragout provision in Rule 310.01 it would allow the County to enforce if an auto salvage yard or any other type of business had trackout or dragout violations. Ms. Crumbaker replied that is correct. Mr. Cleveland asked that this be noted in measure 56. He requested an informal vote to remove measure 37. By a show of hands, the measure was removed by a unanimous vote.

Mr. Cleveland requested a motion to recommend a Suggested List of Measures to Reduce PM-10 Particulate Matter. Mr. Bowers moved and Ms. Knight seconded the motion. Mr. Person asked if the recommended measures would result in five percent reduction in emissions, modeling attainment demonstration, and attainment at the monitors. Mr. Cleveland stated that once the measure have been approved by the MAG Regional Council, each agency with authority to implement the measures would be requested to make commitments for implementation. Ms. Bauer stated that there would be a caveat to say the measures may be refined when additional information becomes available through the planning process. The motion passed unanimously. Mr. Cleveland thanked the Committee for their hard work.

4. Call for Future Agenda Items

Mr. Cleveland announced that the next meeting of the Committee is tentatively scheduled for March 29, 2007 at 1:30 p.m. With no further comments, the meeting was adjourned.